

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Pellet and Sanchez-Martinez**Patent No.** 6,126,944**Issued:** October 3, 2000**Application No.** 08/480,850**Filed:** June 7, 1995**Confirmation No.** 9684**For:** BACULOVIRUS EXPRESSION VECTORS  
AND RECOMBINANT ANTIGENS FOR  
DETECTING TYPE-SPECIFIC  
ANTIBODIES TO HERPES SIMPLEX  
VIRUS**Examiner:** Louise N. Leary**Art Unit:** 1623**Attorney Reference No.** 6395-87124-02**FILED VIA EFS**SUBMITTED VIA THE ELECTRONIC FILING SYSTEM (EFS)  
COMMISSIONER FOR PATENTS**DECLARATION OF VERONICA BROWN**

1. I, Veronica Brown, am a management and program analyst for the Centers for Disease Control and Prevention (CDC) Technology Transfer Office (TTO) in Atlanta, Georgia, which is a part of the Assignee of the above-referenced application, namely The United States of America as Represented by the Secretary of the Department of Health and Human Services (hereinafter "the Government"). I have worked at TTO beginning in 2002 as a Technology Transfer Assistant. In 2006 I was detailed to perform the duties of docketing law firm communications in the CDC electronic database (Inteum) prior to assuming the position in 2007 as a management and program analyst. Ms. Cindy Sherwood supervised me by reviewing my database entries for the period of 2006-2008.

2. The procedure at the CDC in 2007 and 2008 was that when patent correspondence, such as a Notice of Expiration, was received by the Technology Transfer Assistant, Ms. Sharon Shropshire, it was then forwarded to me to enter it into the electronic database (Inteum). This electronic database is used by the CDC to track patent deadlines and monitor the status of CDC patents. Ms. Cynthia Sherwood reviewed any docket dates after entry of the patent

correspondence into the electronic database. Following this review, the patent correspondence was then provided to the appropriate licensing professional.

3. I received the Notice of Patent Expiration for U.S. Patent No. 6,126,944 by email from Ms. Cynthia Sherwood on December 9, 2008. The notice came in outside of our normal procedures. Normally e-mail notices come from the law firm and I am copied, or if it comes in by traditional mail, it is routed to me by Ms. Sharon Shropshire. However, because this Notice of Patent Expiration did not come through the usual procedure, I did not enter it into the Inteum electronic database. As a result of this clerical/docketing error the expired status of the patent was not indicated in our patent database. Therefore, any deadline for revival was not seen by our patent advisors.

4. All statements made herein and of my own knowledge are true and all statements made on information are believed to be true; and further, these statements were made with the knowledge that willful false statements and like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statements made may jeopardize the validity of the application or any patent issuing thereon.

September 16, 2011  
Date

Veronica Brown  
Veronica Brown